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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 22-008

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 2. Form, Style and Placement in Administrative Code

a. In the analysis for the proposed rule, the listing of the deadline to submit comments should specify the date or how a reader could determine that date, rather than referring only generally to “a date to be determined”.

b. A heading for “Text of Rule” should be inserted before SECTION 1 of the proposed rule, similar to the title for the “Analysis Prepared by the Department of Workforce Development”.

c. In SECTION 8 of the proposed rule, amending s. DWD 65.11, the reference to “chapter DWD 75” should be revised to appear as “ch. DWD 75”. [s. 1.15 (2) (Table), Manual.]

d. The agency may wish to consider defining the term “division” within ch. DWD 68, so that “division of vocational rehabilitation” need not be used in the rule text. Compare, for example, the definition in s. DWD 75.03 (6), which applies throughout ch. DWD 75.

e. In SECTION 15 of the proposed rule, the treatment clause should be revised to identify that s. DWD 68.05 (intro.) is amended, along with subs. (1) and (2). Also, in sub. (1), the comma in the current text of the rule at the end of the subsection should be inserted and shown with a strike-through.

f. In SECTION 22 of the proposed rule, the treatment clause should be revised to “renumber and amend” s. DWD 68.08 to s. DWD 68.08 (1), rather than “amend” the provision. Additionally, in the text of the proposed rule, the designation for sub. (1) should be shown without underscoring. [s. 1.04 (6) (b) and (g), Manual.]

g. SECTION 26 of the proposed rule, amending s. DWD 68.12, should be separated into three separate treatment SECTIONS:

- (1) To amend s. DWD 68.12 (intro.), (1), and (2).
- (2) To create s. DWD 68.12 (2g) and (2r), without underscoring.
- (3) To amend s. DWD 68.12 (3).

h. In SECTION 47 of the proposed rule, amending s. DWD 75.08 (intro.), the current text of the section title should be shown even if the title is not amended. [s. 1.10 (2) (c) 3., Manual.]

i. The listing of affected provisions in the caption for the proposed rule should be updated to reflect any changes made in response to these comments.

## **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In SECTION 13 of the proposed rule, amending s. DWD 68.03, did the agency intend to refer to consumer *identifying* information? The provision refers only to “consumer information”.

b. In SECTION 18 of the proposed rule, creating s. DWD 68.05 (7) (Note), it appears that there is a space before the period that should be removed.

c. In SECTION 31 of the proposed rule, in s. DWD 68.14 (2) (b), the word “divisions” should be singular.

d. Also in SECTION 31, in s. DWD 68.14 (3), if the agency’s intent is to create a substantive requirement that appeals are to be heard by impartial hearing officers, the word “are” should be revised to “shall be”. [s. 1.08 (1) (b), Manual.]

e. In SECTIONS 33 and 34 of the proposed rule, affecting s. DWD 68.15, the provisions regarding the retention of information by the agency could be clarified. Under sub. (1), the agency must document a request for an amendment to a consumer’s case record. Similarly, under sub. (2), the agency must include a letter, memorandum, or document submitted by a consumer for the purpose of correcting alleged misinformation in the consumer’s case record. As both of these provisions require the department to document requests for a correction to information in the consumer’s case record, it is unclear to what extent the provisions are different.

f. Also in s. DWD 68.15, if there is a specific procedure for submitting a request for correction, or address to which a request should be submitted, the agency should consider including that information in a note, as was done for s. DWD 68.14.

g. In SECTION 38 of the proposed rule, amending s. DWD 75.01, on page 15, line 3, it appears that the agency intended to strike-through the entire word “rehabilitation”.

h. The agency could review and revise spacing when a term is amended to correct for extra or missing spaces between words. See, for example, SECTION 48, and others, which appears as “applicant or eligible individual”.

i. In SECTION 51 of the proposed rule, amending s. DWD 75.14 (2), the agency may wish to clarify what is meant by a “good cause explanation”.